

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

**3:08-cv-219-RJC  
(3:04-cr-223-RJC)**

**MADISON DUANE MCRAE,**

**Petitioner,**

**vs.**

**UNITED STATES OF AMERICA,**

**Respondent.**

**ORDER**

**THIS MATTER** comes before the Court on remand from the Fourth Circuit Court of Appeals following the reversal of this Court's dismissal of a Motion for Relief from Judgment as a successive petition. In accordance with the Fourth Circuit opinion, the Court finds that, on remand, Respondent shall file a brief in response to Petitioner's allegations in his motion for relief from judgment as to various alleged errors made by the Court in ruling on Petitioner's prior § 2255 petition, as well as the timing of the Rule 60(b) motion.

**IT IS, THEREFORE, ORDERED THAT** Respondent shall file, within sixty (60) days of entry of this Order, a brief in response to Petitioner's allegations as to various alleged errors made by the Court in ruling on his prior § 2255 petition, as well as the timing of the Rule 60(b) motion. Petitioner shall then have an additional twenty (20) days in which to file a brief in response.

Signed: February 3, 2016



Robert J. Conrad, Jr.  
United States District Judge

